United Nations CCPR/C/EST/4

International Covenant on Civil and Political Rights

Distr.: General
29 August 2018

Original: English
English, French and Spanish only

Human Rights Committee

Fourth periodic report submitted by Estonia under article 40 of the Covenant, due in 2017*, **

[Date received: 2 April 2018]

* The present document is being issued without formal editing.

** The annexes to the present report are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Human Rights Committee.

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Introduction

1. The Republic of Estonia acceded to the International Covenant on Civil and Political Rights on 21 October 1991 and it entered into force in respect of Estonia on 21 January 1992. Estonia submitted its third report in 2009. The Human Rights Committee discussed it on 12 and 13 July 2010 and adopted its concluding observations on 27 July 2010.

2. This Report is submitted on the basis of article 40 of the Covenant and the list of issues prior to submission of the fourth periodic report of Estonia, adopted by the Human Rights Committee at its 116th session on 7–31 March 2016.

3. The Report was prepared by the Ministry of Foreign Affairs in cooperation with the Ministry of Culture, the Ministry of Defence, the Ministry of Education and Research, the Ministry of Finance, the Ministry of Internal Affairs, the Ministry of Justice, and the Ministry of Social Affairs.

A. General information about the status of human rights

Question No. 1: Implementing the recommendations of the Committee

4. General information on measures taken to implement the recommendations of the Committee is provided only in the field of education. General information on measures taken in other fields are covered in Section B under specific sub-sections.

5. The constitution of Estonia declares fundamental rights as basic values of the Republic of Estonia. According to the Basic Schools and Upper Secondary Schools Act, and national curriculum, human rights are considered basic values of Estonian education.

6. According to the Republic of Estonia Education Act, the fundamental principles of education are also based on the recognition of universal and national values, freedom of the individual, religion and conscience.

7. The objectives of education are to:

- Create favourable conditions for the development of the individual, the family and the Estonian nation, as well as for ethnic minorities, and economic, political and cultural life in Estonian society, including nature conservation, within the context of the global economy and global culture;
- Shape individuals who respect and abide by the law;
- Create opportunities for everyone to engage in lifelong learning.

8. Human rights and human rights education are also closely connected to the strategic goals of Estonian Lifelong Learning Strategy 2020, especially the changed approach to teaching and learning and equal opportunities in education, which both presume human rights and common values reflecting both in lessons and in school culture. Other strategic documents derive from the same principles — strong and cohesive society is a general goal of all different policy initiatives.

9. In August 2014, the government approved amendments to the national curricula of basic and upper secondary schools, which inter alia enhanced the promotion of gender equality at these school levels, including in tuition of social subjects, career planning, technology and handicraft. The curriculum is competence and outcome-based and sets requirements for the teaching and learning environment, emphasising inter alia the obligation of schools to create and ensure an environment where human rights are respected, no person is discriminated against and students are involved in school governance as much as possible.

10. In line with that, the prevention and tackling of school bullying have gained signified attention. In 2015, the concept of bullying-free education was adopted. The concept sets out priorities and activities implemented primarily by a "bullying-free

coalition" — a network of several NGOs and Ethics Centre of the University of Tartu active in the field.

11. Human rights education in connection with value education, media literacy and critical thinking is set as a target to be developed in the General Education Programme 2016–2019 (part of the Estonian Lifelong Learning Strategy 2020).

12. In 2009, the Estonian Ministry of Education and Research approved the national programme "Values Development in Estonian Society 2009–2013"; the programme was subsequently renewed for the years 2015–2020. The main goals in value development are:

- To encourage the discussion and formation of a shared understanding about the values the examination and application of which could enable to address burning issues in Estonian society;
- To close the gap between the rhetorical declarations about values and the actual choices in the sphere of values so the wishes concerning the development of society can become true;
- To enable the new generation to address societal issues by helping young people to recognise and overcome problematic attitudes in the sphere of values;
- To support the values education of children and adolescents in preschools and schools, so each of them can develop in an educational environment that supports integral personal development, formation of a clear understanding of one's values and of the ability to cooperate successfully in society;
- To encourage society as a whole to support preschools and schools so all parties in society can recognise and help to realise the possibilities for addressing societal issues that education can offer.

13. In relation to migrants, several activities have been carried out by the Estonian Refugee Council, the Ethics Centre of the University of Tartu, NGO Mondo, NGO Ethical Links and others. To provide some examples, the Ethics Centre has developed a migration and refugee-related edition to the students' game "Discoverers of Values", and NGO Mondo has created a students' game on the same topic. A conference on multicultural school environments was held in autumn 2016. Both Mondo and Ethical Links have created study material and organised teacher training and other events on different topics related to globalisation, multiculturalism, religion, etc.

Question No. 2: Significant developments in the institutional framework concerning the promotion and protection of human rights

14. The most significant development in the area of national defence is the legalisation of military service for women. The new Military Service Act, which entered into force on 1 April 2013, allows women to voluntarily enter conscript service on the same grounds as men. Since completing conscript service is not obligatory for female citizens, they have the right to abandon conscript service within 90 days of entering conscript service. 41 women have completed conscript service since 2013 and 17 women were in conscript service from 2016 to 2017.

Recommendation No. 7

15. The necessary elements of the torture offence were added to the Penal Code with amendments made in early 2015, which comply with the international definition of torture (section 290 *semel*).

Recommendation No. 9c

16. The special provisions against trafficking of human beings were established with amendments to the Penal Code that entered into force in April 2012 (section 133 of the code).

17. Supporting trafficking of human beings, pimping, aiding prostitution, forcing into donation and trafficking of human beings for the purpose of exploitation of minors are also punishable.

Recommendation No. 14

18. No significant changes have occurred in the alternative to military service procedures when compared to the previous period. 53 people opted for alternative service in 2015 and 97 people in 2016.

Recommendation No. 15

19. The new Civil Service Act that entered into force on 1 April 2013 considerably narrowed the scope of the definition of officials. A longer description of the right to strike is given in the answer to question No. 22.

B. Specific information upon the implementation of Articles 1 to 27 of the Covenant

Legal framework for implementing the Covenant

Question No. 3: National agency for the protection of human rights

20. The political will and readiness has recently been found for the official accreditation of the institution of the Chancellor of Justice as the National Human Rights Institution (NHRI) in compliance with the Paris principles and preparations have been started for making the relevant changes in the laws that regulate the functions of the Chancellor of Justice.

Question No. 4: Gender Equality and Equal Treatment Commissioner

21. Since the establishment of the institution of the Gender Equality and Equal Treatment Commissioner in October 2005, the funds allocated to the institution from the state budget have increased from 51,705 euros in 2006 (the first full year) to 167,140 euros in 2015. The addition of duties has also influenced the increase in the budget to a small extent.

22. The competency of the former "Gender Equality Commissioner" was broadened with the Gender Equality Act that entered into force on 1 January 2009, and in addition to gender equality, it now covers issues of equal treatment on the basis of ethnic origin, race, skin colour, religion or political views, age, disability and sexual orientation.

23. The Commissioner has also been able to request additional funding from the European Union and other financing mechanisms. From 2013–2016 (Q1), the Commissioner carried out a project with a budget of 700,000 euros within the scope of the gender equality and work and family life reconciliation programme of the Norway Grants 2009–2014, which was coordinated by the Ministry of Social Affairs. The extra funding was also used to hire additional staff for the implementation of the project.

24. At present, the Commissioner can only give opinions that are not legally binding, but the plan is to extend the competency of the Commissioner according to the draft of the new Equal Treatment Act currently prepared in the Ministry of Social Affairs in such a manner that they are given the right to go to court on its own behalf or on behalf of a victim. There are also plans to give the Commissioner the competency to conciliate the parties to a discrimination dispute.

Question No. 5: Distribution and implementation of the final conclusions of the Committee

25. The final conclusions of the Committee have been published in Estonian and English on the website of the Ministry of Foreign Affairs.

26. Several training events for judges have taken place, which have covered aspects of international, European Union (EU) and national law and the case law of the European Court of Human Rights. Estonian judges have also participated in several foreign training events related to conflicts of norms in the application of fundamental rights, human rights

and access to justice in the union and EU gender equality law. All these training events have also contributed to the application of the rights enshrined in the Covenant.

Non-discrimination and prohibition of incitement to ethnic, racial and religious hatred

Question No. 6: Amendments to the Equal Treatment Act

27. The Equal Treatment Act entered into force on 1 January 2009 and its purpose is to guarantee people's protection from discrimination on the grounds of ethnic origin, race, colour, religion or other beliefs, age, disability or sexual orientation.

28. The scope of implementation of the Equal Treatment Act is different for different attributes. While discrimination on the grounds of religion or views, age, disability or sexual orientation is only prohibited in issues related to working life and upon the acquisition of professional qualifications (section 2, subsection 2 of the act), the prohibition of discrimination on the grounds of ethnic origin, race or skin colour is broader and it is also prohibited in terms of the right to social welfare, health care and social insurance services and allowances, education and the goods and services (incl. housing) offered to the public (section 2, subsection 1 of the act).

29. Citizenship of the European Union as an attribute of discrimination was added to the European Union Citizen Act with an amendment that entered into force on 6 May 2017. The main purpose of this addition is to bring the legal system of Estonia in line with Directive No. 2014/54/EU of the European Parliament and of the Council in respect of the measures that simplify the use of the rights granted to employees within the scope of the free movement of employees.

Question No. 7: Hate crimes

30. The amendments to the Penal Code, according to which the motive of offences motivated by race, ethnicity, citizenship, gender, sexual orientation or gender identity or other similar motives is considered as an aggravating circumstance, have not yet been adopted, but they are still being planned.

31. The amendments that would criminalise the justification, denial or extreme vulgarisation of international crimes or racially, or otherwise discriminating propaganda have not taken place yet either.

32. IT support for marking incidents characterised by hate and motives of hate upon the registration and processing of offences has been created. Training about hate offences for the people who process such offences has been planned in conjunction with the OSCE.

Question No. 8: Reducing discrimination of minorities

33. The Ministry of the Interior has organised training in how to recognise radicalisation for the Police and Border Guard Board and the Unemployment Insurance Fund. The Police and Border Guard Board also employ web constables, who work on the identification of hate speech and react to it.

34. The Police and Border Guard Board employs three web constables, whose daily work includes surveillance of information referring to hate speech and crimes in the e-environment, organising lectures about hate crimes that raise public awareness, and responding to queries. Web constables also monitor declarations of racial content, aimed against minorities and various groups of foreigners. Web constables have passed special training. The plan is to increase the number of web constables and expand surveillance technically.

35. The Police and Border Guard Board has organised training in cultural differences for police officers in recent years. Similar training will continue. The DARRA (Detention and Response to Radicalisation Appearances) project, which is mainly aimed at improving the skills of police officers in noticing signs of radicalisation and dealing with cases of radicalisation, is also being implemented. Guidelines for investigators on the implementation of the Penal Code in respect of hate crimes were prepared in 2016.

36. On 16 January 2016, Estonia transposed the victims' directive of the European Union, which stipulates that all victims, in particular victims in vulnerable target groups, incl. victims of hate crimes, must have their individual needs assessed and be provided with victim protection and all possible support. The Estonian Academy of Security Sciences has prepared and piloted 'sensitivity training', which will be offered to police officers among others. The training is practical in its nature: how to communicate with a victim so that his or her needs are considered and without victimising them again. The training was prepared in active cooperation with officials of the Ministry of Justice and the Ministry of the Interior. An agreement for training police officers in Estonia to become trainers was planned and entered into with OSCE ODIHR. Some prosecutors can also participate in the training.

37. In 2016, the government supported the activities of a campaign against hate speech, which is coordinated by the Ministry of Education and Research and implemented by the Archimedes Youth Agency Foundation.

38. A separate statistics chapter for the crime statistics annual report "Crime in Estonia" prepared by the Ministry of Justice was prepared for the first time in 2015. The statistical overview of hate offences is prepared according to the example of Finland. The capability for the collection of statistical date about hate crimes was established in the Police and Border Guard Board in 2016.

39. It has been possible to categorise hate offences under new types of cases in the police information system (MIS, which is a part of the e-File) since autumn 2016. The following types of cases that incite hatred were added to MIS by the Ministry of Justice, the Ministry of the Interior and the Police and Border Guard Board:

- Race, religion, origin;
- Sexual orientation/identity;
- Other.

40. In autumn 2016, the crime motive "racial/ethnic motive" in the information system was replaced with a more general one — "hate motive", which also makes it possible to add the motive of a hate offence in the case of crimes where the hate motive was not related to the racial/ethnic motive alone.

41. Estonia participates in the working groups of the EU, the Council of Europe and OSCE/ODIHR on reporting and registration of hate offences.

Equality of men and women

Question No. 9: Equality of men and women

Stereotypes

42. In order to obtain a better overview of the attitudes and opinions of men and women concerning their situation and position in society, regular Gender Equality Monitoring surveys have been conducted in 2003, 2005, 2009, 2013 and 2016. The aim of this national survey is to analyse opinions and attitudes regarding gender equality. It covers different topics and areas of life, such as power, economy, working life, private life, education and violence. The results are used to assess existing gender equality policies and to develop new policy measures to reduce gender inequalities.

43. The new Advertising Act that entered into force in 2008 includes several new regulations concerning gender equality. According to the act, an advertisement may not contain denigration or discrimination on the grounds of sex, disregard the principle of gender equality, derogate either sex or depict either sex as dominant or subordinate. Additionally, it prohibits advertising that depicts people as sexual objects, contains inappropriate nudity, uses expressions or images with a sexual undertone or contains visual or audible presentation of a sexual act. It also prohibits advertising works with pornographic content and advertising services provided for satisfaction of sexual desire.

including advertising prostitution, and advertisements referring to such services or assisting procurement.

44. Several measures have been taken both by the state and by other stakeholders, such as universities to target the topic of gender equality in the field of media. In 2010 and 2013, wide-scale awareness-raising campaigns were carried out to tackle gender stereotypes. As part of the campaign, seven video clips tackling the issues of the gender pay gap, gender stereotypes, segregation, work-life balance, etc., were produced and continue to be used after the campaign as well.

45. In autumn 2015, in the framework of the European Social Fund (ESF) programme, the career days for boys and girls were carried out in select vocational schools, universities and workplaces, enabling secondary school pupils to receive first-hand information about professions stereotypically considered as more suitable for representatives of the other sex. All together 193 pupils in the age group of 15–19, 45% of them boys and 55% girls, took part in the events.

46. On 13 April 2016, Estonia celebrated Equal Pay Day. In the context of Equal Pay Day, a youth literature contest was held, where high school-aged students could submit essays, poems and short stories on the topic of equal pay and other gender equality issues. The contest was very successful, with 80 papers submitted on various topics, and the three best were awarded. During the same event, two youth debate groups debated disclosure of salary information. In various cities around Estonia, people were handed information about the importance of equal pay and urged to think more about equality between women and men.

47. A survey carried out in 2011 showed that, similarly to society in general, teachers' views concerning male and female pupils and men and women (their behaviour, needs, capabilities, etc.) are rather stereotypical. At the same time, a vast majority of the respondents believed that the principle of equal treatment was followed in the process of evaluation of pupils and that exactly the same norms were applied to the behaviour of boys and girls. Analysis of citizenship and history textbooks carried out by ENUT (Estonian Women's Studies and Resource Centre) showed continuous unequal representation of men and women and persistence of gender stereotypes.

48. Since 2007, the regulations of the Minister of Education and Research concerning educational literature in general and vocational education levels have required that texts and illustrations in textbooks and other educational literature avoid stereotypes that encourage gender-based prejudices.

49. In 2008–2015, several projects to promote gender equality from nursery school to university were and continue to be carried out. In addition to research and analysis, training events and other awareness-raising activities, teacher guidelines and recommendations for gender sensitive studies as well as study materials have been prepared. The most recent projects, carried out by EWAR and Praxis (socio-economic research centre in Estonia) and financed by the Norway Grants programme, aim to integrate gender equality issues into higher education curricula, including teacher training.

50. A number of programmes and projects were implemented both by the state and by other stakeholders, including two large-scale European Social Fund programmes for promoting gender equality from 2008 to 2015. The main aim of the activities has been raising awareness of specific stakeholders and the public about gender stereotypes and rights, obligations and benefits concerning gender equality. Activities have included training events and other awareness-raising events, guidelines for employers, and specific information materials on the Gender Equality Act for legal experts and public, studies, wide-scale media campaigns, etc. The gender pay gap, reconciliation of work and family life, and for example active fatherhood, have been the focus of several activities.

Gender Pay Gap

51. In 2012–2016, a two million euro programme for mainstreaming gender equality and work-life balance was carried out with financing by the Norway Grants 2009–2014, coordinated by the Ministry of Social Affairs of Estonia. Different projects are being

implemented under the programme, including one aimed at developing a new concept for gathering and analysing gender pay gap statistics by the Statistics Estonia and the other targeted inter alia at raising awareness of rights and directly helping victims of discrimination via strategic litigation and also increasing the competence of officials who work for the Office of the Gender Equality and Equal Treatment Commissioner.

52. According to the Constitution of the Republic Estonia, an Estonian citizen has the right to freely choose his or her area of activity, profession and place of work. Citizens of foreign states and stateless persons who reside in Estonia have the same right equally with Estonian citizens, unless otherwise provided by law. Thus, it follows that gender segregation in Estonia is most likely connected to gender stereotypes and expectations.

53. On 30 June 2016, the Estonian Government adopted the Welfare Development Plan for 2016–2023 and an Action Plan for its implementation. The Welfare Development Plan is the first comprehensive social and labour policy strategy document. It has two main objectives: first, high employment rate and long and high quality working life; and second, gender equality, higher social inclusion and decrease of inequality and poverty. The Development Plan has four sub-objectives, one of which is gender equality. Under this sub-objective, the plan targets issues of equal economic independence of women and men; reducing the gender pay gap; balanced participation of women and men in all levels of decision-making and management in politics and public and private sectors; reducing negative impact of gender stereotypes on decisions and everyday life of women and men; enhancing rights protection concerning equal treatment of women and men and guaranteeing institutional capacity to promote gender equality, including gender mainstreaming. Measures planned for the Action Plan vary from raising awareness to legislative initiatives.

54. One of the key measures, in the Action Plan for the implementation of the Welfare Development Plan for 2016–2023, is to specifically decrease the gender pay gap in the coming years through amendments to the Gender Equality Act. The latter will grant the Labour Inspectorate of Estonia the right to exercise state supervision over the implementation of the requirement of equal pay for women and men and the right to order employers to conduct an equal pay audit, if the Labour Inspectorate suspects that their respective activities could be discriminatory.

55. The Ministry of Social Affairs has prepared a policy analysis of the system of parental leave and benefits in 2016. The policy analysis gives thorough overview of the statistics connected to all parental leave and benefits (all together seven different types of leave and benefits), analyses current challenges and bottlenecks, and provides alternative policy recommendations along with an impact assessment. There are three main objectives pointed out in the policy analysis: to encourage a more balanced distribution of parental leave and benefits between a mother and a father, to create more flexible opportunities for parents to use parental leave and receive benefits and to ensure legal clarity and purposefulness of measures of the system of parental leave and benefits. The main recommendations include a so-called father's quota and possibilities for both parents to work part-time and be on parental leave part-time.

Women in political and leadership positions

56. To encourage a discussion on opportunities for women to be appointed to high-level political positions, the Gender Equality and Equal Treatment Commissioner published an analysis about the position of female candidates in the electoral lists before the 2015 parliamentary elections. Based on the results of the elections, an additional analysis was prepared.

57. Under the Development Plan one of the focus areas of the gender equality sub-objective, is to have a balanced participation of women and men in all levels of the political decision-making. An indicator of the domain "power" from the Gender Equality Index of the European Institute for Gender Equality (EIGE) will be used to measure progress in this field. According to the Action Plan, awareness-raising measures will be implemented in the coming years for entrepreneurs about a need and possibilities to improve the gender balance

in the organisations' management level. Additionally, awareness-raising activities will be planned to support the possible use of the zipper-method in the electoral lists.

58. The number of female judges at the Supreme Court has risen from two to five (of total 19). Positive trend of the increase of women participation in the leadership positions in institutions involved in the review of constitutionality and legality. In 2014, the government appointed a woman as the Chief Public Prosecutor and in 2015, the Parliament appointed a woman as the Chancellor of Justice. Positions like those of the Auditor General, the Chief Justice of the Supreme Court, the State Secretary, and the Director of the State Chancellery, etc., are held by men. No specific measures are planned to improve the gender balance in the leadership positions in these institutions. As of 2016, the President of the Republic of Estonia is Mrs Kersti Kaljulaid.

59. ETNA Estonia is an NGO specifically focusing on promoting and supporting entrepreneurship among women living in rural areas. In 2012–2014, ETNA had a microcredit project, co-financed by the Open Estonia Foundation, to offer a comprehensive support package for women to start with entrepreneurship or widen their existing business. The support package included mentoring, entrepreneurship training events and loans for women. The financial mechanism continues to exist also after the end of the project.

Overlap of institutional mechanisms

60. The risk of possible overlap of competences of the Gender Equality and Equal Treatment Commissioner and the Chancellor of Justice is mitigated by the cooperation of the two institutions, as no other specific measures have been considered necessary.

Violence against women, including domestic violence

Question No. 10: Violence against women

61. All forms of domestic violence are criminalised by the Penal Code of Estonia.

Section 121. Physical abuse:

(1) Causing damage to the health of another person and physical abuse that causes pain is punishable by a pecuniary sentence or up to one year of imprisonment;

(2) The same act if committed in a close relationship or relationship of subordination is punishable by a pecuniary sentence or up to five years of imprisonment.

Section 58. Aggravating circumstances.

62. Aggravating circumstances are:

- Commission of the offence against a person who is in a service or financially dependent relationship with the offender, and against a former or current family member of the offender, against a person who lives with the offender or a person who is otherwise in a family relationship with the offender;
- Commission of the offence against a minor with abuse of power or confidence;
- Commission of the offence against the person by an adult in the presence of a minor.

63. Norway Grants 2009–2014 programme "Domestic and gender-based violence", has expired and the final report is under preparation. Therefore an analysis of the implementation cannot be presented as of yet. However, all the activities planned took place (research, training events, campaigns, information materials, services, books, etc., were all completed) and there was an audit in 2016 to ensure the programme filled its aims. Norway Grants 2009–2014 programme "Domestic and gender-based violence", coordinated by the Ministry of Social Affairs and implemented from 2012 to 2016, was assessed by the Civita company for the donor country that is not for public use. The Ministry of Social Affairs plans to present a detailed overview of the programme implementation after the final report is finalised.

64. 2015 was the first year of implementing the new National Strategy for Preventing Violence programme for the period 2015–2020. Several campaigns took place with the objective of preventing violence: an awareness-raising campaign "Open your eyes" for young people, training for trainers and specific empowerment training events targeting boys and girls. Cooperation was organised with the national annual dance event "The School Dance", which created a good opportunity to approach young people all over Estonia and talk about gender roles and gender-based violence. As a result of the campaign, 73.2% of the target group were reached by the campaign. There was also a campaign against sexual violence, informing victims about services and a wider audience about sexual violence.

65. In 2015, several training events took place to educate medical staff, police officials, judicial officials and social workers about violence against women. Training events were organised in cooperation with several NGOs and public institutions. Thanks to several information campaigns and public attention raised to the problem of violence, more victims sought help from the police and the Social Insurance Board. Estonia considers this to be a positive sign, as victims are more aware of the available support service, and they feel less stigmatised because of their situation.

66. In 2015, the MARAC (Multi Agency Risk Assessment Conferences) project was prepared in Estonia to be launched in 2016. Regional networks and network training events were begun and the project will continue until 2021.

67. Several amendments in the Criminal Proceedings Act have been made since Estonia started implementing the European Directive on Victims' Rights. A more tailor-made approach can be used in criminal proceedings to ensure that victims' needs and rights are fully met.

Training and reporting

68. Sensitivity training for the police started in 2016 in the Estonian Academy of Security Sciences. The academy is a state institution, providing professional education for civil servants (including tax and customs officials, prison guards, police officials) belonging in the area of government under the Estonian Ministry of the Interior. There is also a plan to start training events as part of the official training programme for all police officers. Previously police officers have attended training events on how to communicate with victims and how to motivate victims to get assistance and help from victim support officials. In the last five years, there have been 70 training events for 780 officers (about the special treatment of juveniles, victim support, joint operation with municipalities and domestic violence).

69. The judicial training department of the Supreme Court annually organises judicial training events and offers training events on issues related to violence. The last training event took place in March 2017 and focused on the psychological aspects of domestic violence. In addition, several seminars covering various violence-related issues are also organised during the year.

70. Regarding medical staff, there have been several projects seeking to find out the training needs and competence to detect and support victims of violence. Estonia has created a guideline for health care service providers who help victims of sexual violence.

71. In the framework of the Norway Grants programme, round tables were organised that brought together social workers, medical workers, police and lawyers. The University of Tartu Faculty of Medicine also took part in the project that aimed to reach a common understanding on violence, its causes and consequences, and as a result created training programs also offered by the University of Tartu.

72. Perpetrators of violence can participate in the social programme in case the criminal proceeding is terminated based on the principle of opportunity. A voluntary programme for perpetrators was also prepared, which is planned to start in 2018. In prisons, programmes are available for perpetrators of domestic violence and sexual violence.

Resources and support services

73. Estonia has made significant progress in supporting victims of violence. Starting from 1 January 2017, a women's support service is stated as an official service in the Victim Support Act, thus providing more sustainability and securing more financing for organisations that plan to provide such services in the future. Support services are freely available for all female victims and their children. For the first time, the concept of victims of violence against women has been mentioned in Estonian legislation. This is an important step forward in acknowledging the problem and providing proper support services for the victims. Women's support centres provide specific services to female victims. Most service providers are NGOs or women's organisations. Women's shelters provide victims with a free service package: initial, case-based and psychological counselling, psychotherapy, legal counselling and if necessary then housing. Women can take their children with them to the shelter, in case they need safe housing. In addition, there is a 24/7 hotline available for victims of violence against women and their relatives (all the shelters are also open 24/7).

74. Most victims of domestic violence use the national victim support system. Victim support officials provide victim support services, arrange psychological assistance and if necessary then also arrange state compensation for offence victims. Victim support services include counselling of victims and assisting victims in communicating with state and local government authorities and legal people. There are specific services for victims of human trafficking and sexually exploited minors including safe housing, catering, health services, material assistance and psychological counselling, if necessary. There is at least one victim support official employed in every county, mostly in the same building as the police, which makes a total of 23 in all of Estonia. Women's support service centres are in every county.

75. In 2015, support services for the victims of sexual violence were launched. The Estonian Sexual Health Association implemented the project that created the network and readiness in hospitals to provide specialised support for rape victims. Since November 2016, coordination of services has been provided by the Social Insurance Board, which means the service is now part of the official victim support system. Estonia continues developing these services.

Prohibition of torture and other cruel, inhuman and humiliating treatment and sentence

Question No. 11: Torture

76. The necessary elements of the torture offence were added to the Penal Code with amendments made in early 2015, which comply with the international definition of torture (section 290 *semel*).

77. The sanction rate complies with the sanction rate applied for crimes of equal seriousness. There are no plans to establish a separate body for the investigation of torture or abuse. Cases of torture are processed by police agencies, the Internal Control Bureau of the Police and Border Guard Board deals with cases of police violence, and the pre-trial criminal procedure of these cases may be transferred to the Internal Security Service by the prosecutor.

78. The number of registered crimes related to torture and the charges filed in relation to them is given in the tables in the annex to the report. In 2015, three people were sentenced according to section 291 of the Penal Code, while in 2016 one person was acquitted and none were sentenced (see tables 1 and 2).

Question No. 12: Means of restraint at custodial institutions

Use of means of restraint

79. Means of restraint are only implemented in the cases specified in the Imprisonment Act for the purposes of prevention or obstruction to avoid damaging legal rights. Using means of restraint as a punitive measure is not permitted in any case. The use of means of

restraint will be immediately terminated when the threat arising from the imprisoned person has passed and the measures may not be implemented for longer than 12 hours.

80. A new provision that specifies the obligation of a health care professional to check the health of the imprisoned person after the implementation of a means of restraint was added to the Imprisonment Act in 2015. After the use of direct coercion with regard to a prisoner, a health care professional is obliged to examine the state of health of the prisoner as soon as possible, if physical force was used upon the use of means of restraint, if a prisoner files a complaint relating to his or her state of health, and in other cases if the need to check the state of health of a prisoner becomes evident. Examining the state of health is also mandatory if means of restraint are used continuously for more than 15 minutes, unless the operation is performed on the basis of a pre-issued administrative act or in the case handcuffs and leg cuffs are used during escort.

81. If the means of restraint are used on the basis of a pre-issued administrative act, the prisoner has been heard before the issue of the administrative act and the person is aware why the means of restraint are used. If the person does not agree with the content and reasons of the administrative act, they can dispute the administrative act and demand the identification of unlawfulness of the acts carried out on the basis thereof. The Department of Prisons of the Ministry of Justice exercises supervisory control over prisoners. The lawfulness of the implementation of means of restraint is checked in the course thereof to identify possible abuse or misuse. The lawfulness and expedience of the activity of the prison and the appropriate recording of acts is checked. If a breach is identified in the course of supervision, a precept will be issued to the prison and it will be given guidelines for avoiding such breaches in the future.

82. 77% of officers in Estonian prisons are professionally qualified, which guarantees that they know how to use means of restraint. Officers are also taught how to resolve various events, legal grounds, the correct techniques for using means of restraint, etc., in the course of in-service training. Supervisory control and in-service training of officials guarantee that officials are aware of and follow internationally recognised principles upon the use of means of restraint. The Ministry of Justice is currently developing a regulation that specifies the procedure for use of means of restraint, in which the recommendations of international organisations, the case law of the European Court of Human Rights and the recommendations made within the scope of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) inspection visits are considered.

Right of appeal of prisoners

83. The procedure for processing the letters and complaints of prisoners is regulated by legislation, incl. the deadline during which a response to a complaint must be sent. The time limitation guarantees the quick handling of complaints. Estonian prisons and the Department of Prisons of the Ministry of Justice also have internal control units. The main duty of the civil servants in the area of internal control is to prevent, detect and process offences committed by the officers and employees working in prisons. The internal control unit is informed of any suspicions that a prison officer has committed an offence.

84. The unit processes and ascertains all the facts of the case and criminal procedure is initiated if necessary. Internal control investigated complaints about the incorrect use of means of restraint. Detecting and solving the crimes committed by officers is a priority in the prison service. If an imprisoned person finds that the prison has violated their rights in legal protection procedure, the person may go to court. The court will give an opinion of the lawfulness of the prison's activities. The activities of prisons are also supervised by the Chancellor of Justice, who publishes annual overviews of his or her activities.

Solitary confinement

85. An imprisoned person is separated from other prisoners if the imprisoned person is committed to solitary confinement to serve a disciplinary penalty or if the imprisoned person is committed to an isolated locked cell as a security measure. Committing an imprisoned person to an isolated locked cell is not a measure of sentence, but an additional

security measure implemented only in justified cases for the purpose of prevention. A thorough procedure will be carried out in the case of breaches of discipline, where the facts of the committed offence, the level of culpability and the seriousness of the offence are assessed and the corresponding disciplinary sentence is imposed on the imprisoned person. Committing a person to solitary confinement is the most intense type of disciplinary sentence implemented only in highly justified cases.

86. Young and underage people may be committed to solitary confinement for a considerably shorter time than adult prisoners may. Committing a person to a locked cell or solitary confinement may not mean solitary confinement. Legislation does not stipulate that an imprisoned person has be in a locked cell or solitary confinement alone. Several prisoners may be committed to said cells at the same time. Prisons observe in particular that prisoners separated from others are allowed, in addition to communication outside the prison (meetings with family, telephone calls), to have conversations with a psychologist and prison officers (e.g. a contact person), participation in social programmes, hobby clubs and other additional social activities.

Rights of disabled people

Question No. 13: Coercive psychiatric treatment

87. If coercive psychiatric treatment is applied, the health institution is obliged to carry out a medical examination of the person once every six months by at least two psychiatrists in order to assess the continuing need for treatment. If the medical committee finds that continuing treatment is not necessary, the health institution must submit a proposal to the court for termination of treatment. A close person, representative or counsel of the person subject to treatment may also request termination of coercive treatment pursuant to section 403 of the Code of Criminal Procedure. A court can order an additional expert assessment of the person in such procedure.

Question No. 14: Rights of people subject to coercive psychiatric treatment in court procedure

88. Pursuant to section 395 of the Code of Criminal Procedure, a person subject to proceedings for the administration of coercive psychiatric treatment shall participate in procedural acts and exercise the rights of a suspect or the accused if the mental state of the person allows for it. Also, the general rule pursuant to section 400 of the Code of Criminal Procedure is that the person with regard to whom administration of coercive psychiatric treatment is requested is summoned to a court session if the mental state of the person allows for it.

89. Pursuant to section 45, subsection 2, clause 2 of the Code of Criminal Procedure, the participation of a counsel throughout a criminal proceeding is mandatory if due to his or her mental or physical disability, the person is unable to defend himself or herself or if defence is complicated due to such disability. In such a case, a lawyer is appointed for the person by way of state legal aid, who will participate in the procedure from the beginning.

90. Training for judges about the treatment of people with mental disorders and the assessment of their status in all legal proceedings took place in 2015. There has also been general training about human rights and primarily the case law of the European Court of Human Rights, where the relevant court rulings are also discussed.

Question No. 15: Rights of disabled children

91. The new Vocational Educational Institutions Act entered into force on 1 September 2013 and established the obligation of schools to guarantee the accessibility of support services, incl. career services, learning assistance, special and social pedagogical and psychological services to students. A school must also guarantee the accessibility of studies by creating flexible learning opportunities for various target groups.

92. The new Minister of Education and Research Regulation "Conditions and procedure for people with special needs learning in vocational educational institutions" entered into force on 18 May 2014. In comparison with the previous regulation that regulated learning

by people with special needs, the output-based approach is implemented in vocational education, which is why enrolment by people with special needs and supporting them throughout their studies has been described in greater detail than before. All the employees of the educational institution are involved in the process. The purpose of the amendments is to support the development of independence and responsibility in learners. The regulation also emphasises the importance of cooperation partners — in addition to the school manager and the local government, schools are also advised to cooperate with entrepreneurs and other partners.

93. The regulation stipulates the special needs the school may identify for the implementation of a suitable support service or measure and the grounds for their implementation. This allows all schools to classify special needs on the same basis and students with similar special needs to receive similar support services.

94. The Estonian Lifelong Learning Strategy for 2014–2020 sets policy targets for inclusive education, whereas the development of inclusive competence-based national curriculum, the inclusion of national minorities, teacher education, and educational counselling are set as sub-goals.

95. In autumn 2014, a regional educational and career counselling network of so-called Pathfinders was initiated. This brings a high level professional counselling service close to home for every student in Estonia and pays special attention to pupils with special educational needs. A new concept of inclusive education is currently in preparation.

Elimination of slavery and forced labour

Question No. 16: Trafficking in human beings

96. The Victim Support Act was amended in 1 January 2017, which makes it possible to help victims better and identify them early. The possibility to provide services to suspected victims of trafficking in human beings, not just victims of said crime identified in criminal proceedings, via the Social Insurance Board for 60 days was created.

97. Specialists of different institutions are constantly trained. Some of the most extensive of these are the four regional training events organised by the Ministry of Social Affairs in 2015 and 2016, which was aimed at the employees of the Police and Border Guard Board, the Labour Inspectorate, the Tax and Customs Board and Northern District Prosecutor's Office. The training focused on trafficking in human beings committed for the purpose of labour exploitation. The training introduced the state's obligations in the prevention of trafficking in human beings, issues related to the identification and helping of victims, the cooperation entered into between the Labour Inspectorate and the Police and Border Guard Board (organisation of joint raids), and the role of these institutions in the detection and processing of cases of trafficking in human beings and labour exploitation.

98. A judge participated in training about human trafficking abroad in 2016 and in addition to the training provided by the Ministry of Social Affairs, several training events also took place in the Police and Border Guard Board, where the topics discussed included the links between illegal migration, smuggling and trafficking in human beings.

99. The Social Insurance Board arranges for suspected victims of trafficking in human beings and victims of trafficking in human beings to be referred for services and service providers also offer primary legal assistance among other services. Helping victims is not always related to criminal procedure. There are three service providers who operate on the basis of public contracts.

100. In 2016, court rulings were generally achieved by way of compromise procedure and only two cases were discussed in general procedure. Eleven people in total were convicted of crimes of trafficking in human beings (section 133 *bis*) in three separate court cases. All of them were involved in bringing Vietnamese people illegally to the European Union. They were sentenced to imprisonment from six months to five years as combined sentence for trafficking in human beings and other crimes, but the sentences were generally not fully enforced, but probation from one to five years was applied. Four people were expelled from Estonia as an additional sentence and prohibited to enter the country for three or five years.

Items used during the commission of the crime from mobile phones to special purpose hiking equipment were confiscated from three people. One of the offenders was punished for forcing another person to work for him both at home and at the workplace.

101. The person convicted of supporting trafficking in human beings (section 133 *semel*) was also involved in taking Vietnamese people illegally across the border and aiding trafficking in human beings. He was sentenced to three years of imprisonment, one year of which must be served immediately, followed by five years of probation.

102. The sentences imposed on seven people for pimping (section 133 *bis*) ranged from three to four and a half years of imprisonment, to which probation of three to five years under probation supervision was applied. Two people were sentenced to non-suspended imprisonment, one for six months and the other for two years and eight months. Both legal entities were ordered to pay a fine of 20,000 euros, which will not be enforced if a three-year probation is successfully completed. Property at homes and companies, money, registered immovable and car for the total amount of 278,754 euros was also confiscated from three offenders, incl. money in the amount of 226,545 euros from one offender and property in the amount of 52,209 euros was confiscated from the married couple who acted together.

103. The sentence imposed for exploitation of minors was imprisonment from one year and four months to five years. The imprisonment was fully enforced in respect of the offenders who had not served earlier sentences. The offenders whose sentence was fully enforced received suspended sentences with two to five years of probation. Three people were ordered to participate in a social programme during probation supervision and two assumed the obligation to pass a treatment programme for sexual disorders or visit a sexologist or psychiatrist at their own expense. Electronic supervision for six months was applied to one person. In general, they were prohibited from communicating with minors, incl. with minor relatives, during the probation. Many of these criminals also organised buying sex from minors (section 145 *semel*).

104. There were two campaigns targeting trafficking of human beings:

- Online media campaign in the framework of the EU-financed ISEC project in Estonia, Latvia, Sweden, Lithuania and;
- Local campaign in Estonia addressing labour mediation.

105. 52% of the target group noticed and remembered the latter.

Freedom and security of people and humane treatment of prisoners

Question No. 17: Rights of prisoners

106. Notifying of detention is guaranteed to all detainees pursuant to section 217, subsection 10 of the Code of Criminal Procedure, unless notification of detention may harm the criminal procedure. The denial of notification will be decided by the prosecutor in such cases.

107. All of the rights of prisoners, incl. the right to receive constant medical care, apply to detained people on the basis of Section 86 of the Imprisonment Act. The Minister of the Interior Regulation of 27 September 2011 about the internal procedures of detention centres also prescribes that detained people be given a medical examination on their arrival.

108. Pursuant to section 217, subsection 10 of the Code of Criminal Procedure, the legal representative of a minor must be notified about the detention of the minor, unless such notification may harm the minor or would harm the criminal procedure.

109. Pursuant to section 19, subsection 3 of the Code of Misdemeanour Procedure, the participation of a counsel in a court proceeding is mandatory if the person subject to proceedings is a minor. Participation of a counsel in pre-trial proceedings is possible, but not mandatory. However, it must be kept in mind that deprivation of freedom cannot be applied to a person in misdemeanour procedure with the decision of a body conducting pre-trial proceedings and only a fine can be imposed instead, and misdemeanours of offences with small culpability and significance, e.g. 75% of misdemeanours committed by minors

are smoking, consumption of alcohol and using public transport without a ticket, which are usually punishable with a fine of 10 to 20 euros.

110. Paying collective compensation to people detained in relation to the mass unrest during the "Bronze Night" has not been initiated. Also, as far as is known, such compensation has not been applied for in compliance with the effective legal grounds, although these grounds may exist in the Compensation for Damage Caused in Offence Proceedings Act (section 23, subsection 3) that entered into force on 1 May 2015 and applies retroactively to cases that were not regulated with previous law.

Question No. 18: Status of prisons

Living conditions and medicine

111. The minimal number of square metres in a prison cell has been established with legislation in order to prevent overpopulation. At least 3 m2 of floor space must be guaranteed to an imprisoned person in maximum-security prisons. At least 4 m2 of floor space is guaranteed to prisoners in maximum-security prisons at present, only the male prisoners in the open department of the Tallinn Prison have 3 m2 of floor space in their cells. The capability of the prison to organise the living conditions, working, learning and leisure activities of prisoners is considered when the permitted maximum number of prisoners is determined.

112. The new buildings of the Tallinn Prison are currently being built and they will be completed in December 2018. Using the present buildings will end and the prison will move to the new buildings. Every prisoner is guaranteed 4 m2 of floor space in the new Tallinn Prison and the infrastructure, hygiene and sanitary conditions will also improve. At present, the Tallinn Prison is trying to guarantee decent living conditions in the entire prison as well as the cells in building K1 to the extent of the available resources.

113. Prison medicine has undergone significant changes in recent years. It is a part of the general health system and its goal is to guarantee that imprison people receive the same treatment services as provided by civil medicine, and that the length of queues for general and specialist medical care are kept at the same level as in civil medicine. This goal was achieved in 2016. The medical department of the prison provides prisoners with outpatient general and specialist medical pare, and inpatient nursing care can also be provided in all prisons. Prisoners suffering from tuberculosis are treated in the special hospital of the Tallinn Prison in Maardu. If necessary, an imprisoned person is referred for treatment to a civil hospital. The medical expenses of prisoners are covered from the state budget via the Ministry of Justice.

Contacts in foreign languages

114. Every contact is received and registered in prisons irrespective of the language. According to the laws of the Republic of Estonia, the state language and the language of public administration in the Republic of Estonia is Estonian. If a party to proceedings or their representative does not speak the language in which the case is processed, a translator will be used in the proceedings on the request of the parties to the proceedings. Since the opportunities of receiving the assistance of a translator may be limited in prisons, then as an exception, submitting a translation is not demanded from the prisoners who do not know the language at all, have no money to pay for translation, who have not been offered the chance to learn Estonian by the prison and who submit material the detailed translation of which is important for the protection of the rights and freedoms of the person. As a rule, prison officers speak Russian and English at a level that allows them to communicate with the prisoners who do not speak the state language and, if necessary, help them understand the content of documents in the state language.

115. Prisoners employ organisers of state language training, whose tasks is to identify the level of state language proficiency of the prisoners, motivate them to learn, teach them and coordinate outsourced courses. The methodology for testing state language proficiency, the state language training standard for prisons and curricula have been developed and state

language textbooks for prisons have been prepared. Estonian can be learnt in prisons up to the level of B2 (C1 in Tartu Prison). Prisoners are paid for learning the state language.

Separation of prisoners and long-term visits

116. Minors and adults, men and women, convicted people and arrested people are kept separately in Estonian detention facilities.

117. Pursuant to the Imprisonment Act, the costs of long-term visits will be borne by the prisoner or the visitor. The costs of a visit include the costs incurred on the use of premises, alimentation and toiletries of the visitor. The average cost of a visit lasting 24 hours is ca 35 euros.

Question No. 19: Length of proceedings

118. According to amendments to the Code of Criminal Procedure that entered into force on 1 September 2016, the duration of the arrest permitted in criminal proceedings was shortened (up to six months in the case of crimes in the first degree, up to four months in the case of crimes in the second degree and up to two months in the case of minors) and it also requires the prosecutor to request extension of the arrest after every two months. Criminal proceedings with arrested people have the priority in judicial proceedings and the times for discussing them are determined as quickly as possible (section 2681, subsection 2 of the code), and people can submit a request for expediting proceedings to the court (section 2741 of the code).

119. Section 15 of the State Liability Act stipulates that a person may claim compensation for damage caused in the course of judicial proceedings, including damage caused by a court decision, only if a judge committed a criminal offence in the course of judicial proceedings. This means that damage is compensated on the condition that the judge has committed a criminal offence.

Treatment of aliens, including refugees and asylum seekers

Question No. 20: Treatment of refugees and asylum seekers

Admission of refugees

120. Pursuant to section 3, subsection 4 of the Act on Granting International Protection to Aliens, the Police and Border Guard Board receives and resolves applications for international protection. Pursuant to section 14, subsection 41 of the act, all applications are registered and processed immediately or within up to three working days. The Police and Border Guard Board also guarantees on the basis of section 14, subsection 3 *semel* of the act that if there is a reasoned ground to believe that aliens staying in detention facilities or at border crossing points, including transit zones, at external borders, may wish to make an application for international protection, they will be provided with information on the possibility to do so.

121. In order to guarantee efficient legal protection, the rights and obligations of a beneficiary of international protection will be explained to them as soon as possible in a language they understand. Section 10, subsection 2, clause 1 of the Act on Granting International Protection to Aliens stipulates that an applicant for international protection has the right to receive information, at the earliest opportunity but no later than within 15 days as of the submission of the application for international protection, orally and in writing in a language which he or she understands concerning his or her rights and obligations, including information concerning legal assistance, assistance relating to reception conditions, organisations providing information, time-frame for proceedings for international protection and the consequences of failure to comply with obligations. The possibility of conference translation and medical assistance are organised at the border among others.

122. The officers of the Police and Border Guard Board working on borders are trained to notice people who wish to apply for international protection. Any indication by the alien that returning to their homeland is impossible is sufficient for the registration and

acceptance of the application. In addition to training, officers can also use materials for independent training and checklists for accepting applications for international protection, organisation of accommodation and further proceedings.

123. Training for officials has been and is organised with the support of the Asylum, Migration and Integration Fund (AMIF). For example, regular training has been organised for the officials and reserve officials of the Police and Border Guard Board in the area of international protection. The knowledge and skills of border guard officers in international protection proceedings have also been improved within the scope of said training.

124. Approximately 75 officers were trained in 2010, ca 150 border guard officers received internal training about asylum, 70 border guard officers attended training organised by the International Organisation of Migration (IOM) and ca 10 officers went on training trips from 2011 to 2012. Several workshops for improving the quality of proceedings, incl. border proceedings, were organised in 2013. Approximately 200 reserve officers were trained and training trips were organised for 11 officers from 2015 to 2016.

Appealing against an expulsion decision

125. Pursuant to section 10, subsection 1 of the Act on Granting International Protection to Aliens, the rights and freedoms arising from the Constitution, laws and other legislation and the treaties of the Republic of Estonia, the European Union legislation, the generally recognised norms of international law and international customs are guaranteed to an applicant for international protection. Section 25^1, subsection 2 of the act stipulates that when an applicant for international protection appeals against the decision about their application for international protection, the applicant has the rights and obligations specified in the act during the deadline of the appeal and the judicial proceedings, including the right to stay in the territory of Estonia until the final decisions is made.

126. In the case of decisions made on the basis of section 25 *semel*, subsections 3 and 4, in certain specific cases, the court has the right to decide on the right of the alien to stay in the country. However, the applicant has the right to stay in the territory of Estonia until this decision is made as well. If a court has decided to restrict a person's right to stay in the country during judicial proceedings, the person will retain their general right of appeal.

127. Pursuant to section 126, subsection 3 of the Code of Administrative Court Procedure, international protection matters are heard by the court as a priority. This amendment supports faster and more efficient judicial proceedings.

128. The Detention Centre of the Police and Border Guard Board and accommodation centres also employ legal advisers with the support of the Asylum, Migration and Integration Fund. Said advisers have passed various international training courses in the field, incl. the broad-based in-service training about the acquis and administrative law concerning aliens in 2017. The duty of legal advisers if to explain the rights and obligations of applicants and the process of proceedings to them in a professional and unbiased manner and help them communicate with various authorities. Legal advisers are accessible to the applicants every day from the submission of the application until the end of the proceedings. Free legal advice is also accessible to applicants living outside the accommodation centre.

129. On the basis of section 10, subsection 2, clause 10 of the Act on Granting International Protection to Aliens, aliens have recourse to the courts if his or her rights and freedoms are violated. Pursuant to section 25 *semel*, subsection 1 of the act, the decision on rejection of an application or revocation of international protection may be contested in the administrative court within 10 days as of the announcement of the decision. Section 10, subsection 2, clause 9 of the act stipulates that an alien has the right to get free legal assistance from the state for contesting the decision. The duty of the legal advisers specified above is to help the applicants contact the Bar Association in order to receive free legal assistance for judicial proceedings. This means that the short appeal deadline that guarantees the efficiency of proceedings is not obstacle to the access of applicants to efficient legal protection.

Expulsion of people under international protection

130. Pursuant to section 50, subsection 1 of the Act on Granting International Protection to Aliens, a refugee will not be expelled or returned to a state where his or her life or freedom would be threatened on account of race, ethnic origin or religion or membership of a particular social group or political opinions. Section 17 of the Obligation to Leave and Prohibition on Entry Act stipulates that an alien may not be expelled to a state to which expulsion may result in consequences specified in Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms or Article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or the application of death penalty. The expulsion of an alien must comply with Articles 32 and 33 of the United Nations Convention relating to the Status of Refugees (along with the Protocol relating to the Status of Refugees of 31 January 1967).

Detention policy

131. The amendment to the Act on Granting International Protection to Aliens that entered into force on 1 January 2014, an applicant for international protection may be detained for the performance of primary procedural acts or if this is necessary for the protection of public order or national security. Detaining an asylum seeker is only justified if the application of other supervisory measures does not guarantee public order, national security or the effective processing of the application for international protection and detention is appropriate, necessary and proportional considering the important circumstances related to the person. The grounds for detention laid down in Directive No. 2013/33/EU of the European Parliament and of the Council are the basis for the grounds on which an applicant for international protection can be detained.

132. In addition to the above, the Police and Border Guard Board has the right to detain applicants for international protection for up to 48 hours upon the acceptance of the application for international protection in order to carry out primary acts. After that, detaining an applicant for international protection is only permitted with the permission of an administrative court. The Police and Border Guard Board requests permission to detain an applicant for up to two months from the administrative on the grounds stipulated in section 36 *semel* of the Act on Granting International Protection to Aliens and if this is unavoidable and necessary for reasons strictly stipulated by law. The Police and Border Guard Board always considers the need for detention separately and thoroughly in each case, but the necessity and proportionality for detaining an applicant for international protection is assessed by an administrative court.

Conditions of detention

133. Unaccompanied minors will not be placed in detention centres, but they will be immediately sent to substitute homes. Detention of a family (parent with a minor) is implemented in consideration of the principle of proportionality and only if other supervisory measures cannot be effectively implemented. Family members are accommodated together in the detection centre. Age-appropriate activities are organised for minors during their leisure time and the centre has the necessary means for this.

134. Irrespective of the place where minors are accommodated, all children who are obliged to attend to school are guaranteed access to education pursuant to the procedure stipulated in the Basic Schools and Upper Secondary Schools Act.

Right to privacy and family life

Question No. 21: Data storage

Legal status

135. Estonia has not yet taken specific steps for the amendment of the norms that regulate the storage and use of communication data. Both the Supreme Court and the Chancellor of Justice have found that effective law guarantees adequate protection of the rights of people

and complies with the Constitution of the Republic of Estonia. Estonian law also complies with article 17 of the Covenant.

136. An analysis of the regulation of the storage and use of communication data has started as a result of the developments in the European Union and the recent case law of the Court of Justice of the European Union in order to further strengthen the protection of people's rights and establish more specific norms regarding the storage and use of data.

137. Estonian law stipulates permission proceedings and supervision within the scope of criminal proceedings and security authorities, which guarantees that institutions do not engage in unauthorised surveillance or carry out covert investigation. In the case of criminal proceedings, Estonian legislation stipulates that the prosecutor's office, courts and the parliament can control whether surveillance is justified and lawful. Official, judicial and parliamentary control is established for security authorities.

138. The people whose rights were infringed with the covert investigation must be informed within the scope of criminal proceedings as well as the activities of security authorities. In addition to this, everyone has the right to contact state authorities with the request to see the data collected or kept about them. Everyone has the right seek protection of their rights in court if their rights are violated. In addition to this, everyone has the right to contact the Chancellor of Justice, who can initiate proceedings to ascertain the possible unlawfulness of the activities of the authorities and the violation of a person's rights. The Chancellor of Justice Act grants the Chancellor of Justice the right to demand explanations and documents from the authorities for this purpose.

Public disclosure of personal data and sharing them with third countries

139. Division 8 of the Code of Criminal Procedure establishes the regulation that concerns cooperation in criminal proceedings between European Union member states. The law stipulates the obligation to guarantee personal data protection when data are exchanged between states within the scope of cooperation in criminal proceedings. Forwarding personal data received within the scope of cooperation in criminal proceedings to the competent authorities of third countries and international organisation and forwarding personal data obtained from a member state within the scope of cooperation in criminal proceedings to a private person is also regulated.

140. Covert investigation is allowed with the written permission of the prosecutor's office or a judge responsible for preliminary investigations. The judge responsible for preliminary investigations decides on the grant of the permission with a ruling on the basis of the justified request of the prosecutor's office. The judge responsible for preliminary investigations reviews the justified request of the prosecutor's office and grants the permission for covert investigation or denies it with a ruling.

141. In the case of an imminent threat to a person's life, physical inviolability, physical freedom or a proprietary benefit of high value, and requesting or preparing the permit at the right time is not possible, the covert investigation that requires the permission of a court can be carried out with the permission of a court issued in a format that can be reproduced in writing in cases where covert investigation cannot be postponed. The written request and permissions will be prepared within 24 hours of the start of the covert investigation.

142. The duration of covert investigation in respect of a specific person in the same proceedings may not exceed one year, excl. the exceptional cases where the chief prosecutor or court has granted permission for this. The prosecutor's office grants permission for covert surveillance of a person, thing or area, covering collection of reference material and carrying out preliminary investigation as well as the covert examination of a thing. The prosecutor's office may extend the deadline of the permission by up to two months.

143. Disclosure of the data of pre-trial procedure is permitted in the interests of the criminal proceedings, the public or the data subject if this does not damage the rights of the data subject or third parties excessively, especially in the case of public disclosure of sensitive personal data. Pursuant to the Law Enforcement Act, disclosure of personal data is

only permitted in such a case and to such an extent, it is unavoidably necessary for the notification of a suspicion of a threat, of a threat or a disturbance.

Invasion of privacy

144. The Code of Criminal Procedure stipulates the procedure for notification about covert investigation that concerns the people in respect to whom covert investigation was carried out. If a data subject finds that their rights are violated upon the processing of personal data, they have the right to contact the Data Protection Inspectorate or the court, unless a different procedure for contesting is provided for by law.

145. If the rights of a data subject have been violated upon the processing of personal data, the data subject has the right to demand compensation for the damage caused to them:

- On the grounds and pursuant to the procedure stipulated in the State Liability Act if the rights were violated in the course of performance of a public function; or
- On the grounds and pursuant to the procedure stipulated in the Law of Obligations Act if the rights were violated in a relationship subject to private law.

Freedom of association

Question No. 22: Right to strike

146. The Civil Service Act, which entered into force on 1 April 2013, establishes a strike ban on officials. An official is not allowed to participate in other collective pressure actions, which interfere with the performance of functions of an authority that has recruited the official or of other authority arising from the law. The pressure action is collective if at least half of the officials of the authority participate therein. An official is a person who is in the public-law service and trust relationship with the state or local government and appointed to a post in an authority, which involves the exercise of official authority. The exercise of official authority means the performance of the following functions:

- The directing of an authority;
- The exercise of state and administrative supervision, as well as the conduct of internal audit;
- The ensuring of the security and constitutional order of the state;
- The permanent military defence of the state and preparation therefor;
- The proceeding of offences;
- The diplomatic representation of the Republic of Estonia in foreign relations;
- The taking of decisions necessary for the performance of the principal functions of the Riigikogu, the President of the Republic, the National Audit Office, the Chancellor of Justice and the courts, the substantive preparation or implementation thereof;
- The substantive preparation or implementation of the policy-making decisions within the competence of the Government of the Republic, local government council, municipal or city government and authority;
- The activities which, in the interests of strengthening and developing the official authority, cannot be given to the competence of a person who is only in the relationships governed by private law with the authority.

147. Pursuant to the Imprisonment Act, prison officers may not participate in strikes, pickets or other service-related pressure activities. This means that other people who do no exercise official authority for the purposes of the Civil Service Act have the right to strike.

148. Section 18 of the Collective Labour Dispute Resolution Act stipulates that employees and their associations or federations have the right to organise warning strikes with the duration of up to one hour. Sympathy strikes are permitted in support of employees engaging in a strike. The duration of such strikes is decided by the representative, association or federation of the employees who makes the decision to organise the strike. A

sympathy strike shall not last longer than three days. The representative, an association or a federation of employees is required to notify the employer, association or federation of employers and the local government of a planned warning strike in writing at least three days in advance. The representative, an association or a federation of employees is required to notify the employer, association or federation of employers and the local government of a planned sympathy strike in writing at least five days in advance.

Rights of families and children

Question No. 23: Rights of children

Impacts of the new Child Care Act

149. One of the most important steps to further children's rights has been the adoption of the new Child Protection Act in 2014. The Act, which entered into force at the beginning of 2016, lays out a strong basis for guaranteeing children's rights not only in the social sector, but also in health, education and legal systems. The Act emphasises prevention, early intervention and cross-sectorial cooperation. In order to guarantee that these principles are fully enforced, the Act expressly defines responsibilities for different stakeholders.

150. First, a number of responsibilities apply to all public and private persons. One such obligation is to set the best interests of the child as a primary consideration in all decisions affecting children, and in the course of ascertaining the best interests of the child, to seek and take into account the child's opinion. Second, all people who offer any measures to children have an obligation to cooperate with other relevant parties in order to guarantee the best possible outcomes for the child concerned. Third, each person who has knowledge of a child in need of help has an explicit obligation to notify the local government or the helpline service. The helpline service immediately forwards the notification to the local government, and if necessary, offers advice to the caller.

151. The Act further emphasises that the natural environment for the development and growth of a child is within the family. Following the example of many other countries, the Child Protection Act explicitly bans corporal punishment of children, as well as mental abuse, including humiliation and frightening the child. To guarantee that these provisions are further implemented in practice, significant steps have been taken to support parents to raise children without violence. In addition to several NGOs that have promoted and taught positive parenting practices in recent years, the government has piloted an evidence-based parenting programme and created a widespread public campaign, for which a devoted website has been created, with videos helping parents to tackle the most common parenting challenges in a child-friendly manner.

152. The Child Protection Act solidifies a holistic understanding of the welfare of the child. The central person for a child in need of assistance is the child protection official in the local government. Upon becoming aware of a child in need of assistance, the child protection official has an obligation to immediately assess the physical, medical, psychological, emotional, social, cognitive, educational and economic situation of the child and the parenting skills of the person raising the child. The local government must develop, and based on the assessment, offer support measures that are based on the child's needs, supports the relations between the child and the person(s) raising the child, support the social coping skills that are accessible, timely, effective and have a long-term positive effect.

Combating violence against children

153. The University of Tartu carried out the "Survey of the spread of sexual abuse of children and young people" in 2015 on the order of the Ministry of Justice. Its objective was to ascertain the contact of Estonian young people aged 16 to 18 with sexual abuse, its risk factors, consequences and the ways of getting help in such cases. The survey highlighted which factors related to the family relations, sexual and risk behaviour of young people increase or decrease the probability of a child or young person becoming a victim of sexual abuse and committing sexual violence. The possible impact of sexual abuse on the mental health of young people was also studied.

154. The survey revealed that 32% of young people aged 16 to 18 have experienced at least one act that can be regarded as abuse outside the internet environment during their lives. 30% of young people have experienced at least one case of sexual harassment, mainly groping (25%) and naked exposure (11%). Every tenth young person has experienced sexual violence, incl. 5% have been forced to have sexual intercourse. It is important how sexual abuse was defined in this survey — it covers experience of sexual violence as well as sexual harassment.

155. The activities aimed at prevention of violence are covered with the Strategy for Preventing Violence 2015–2020. The areas covered in the strategy include violence between children and child abuse. The achievement of the goal of reducing violence is assessed via the level of becoming a victim of violence proceeding from surveys and statistics. The sub-goals of the strategy are teaching people to better avoid, recognise and intervene in violence; need-based protection of victims of violence and better guarantee of support; proceeding cases of violence in manner that is mot victim-friendly; the manners in which perpetrators of violence are treated are more effective and the probability of repeat offences has decreased.

156. In order to recognise sexual behaviour that is normative, needs attention or immediate intervention, the Ministry of Justice published the barometer of the sexual behaviour of children that is not age appropriate (barometer of concern about the sexual behaviour of children and young people). The barometer of concern is a guideline that makes it possible to decide whether the behaviour of a child or teenager should give reason for concern and when to intervene. The overall objective of the barometer of concern is to prevent the sexual abuse and mistreatment of children and teenagers by children and teenagers and the problematic sexual behaviour of children and teenagers. The Ministry of Justice has published prevention videos and translated them into Estonian and Russian.

157. The Ministry of Justice and the Ministry of the Interior prepared the "Manual for interviewing children". The manual is meant for all specialists who work with children and have to talk about difficult topics with them. The book gives a better understanding of the needs and means of expression of children whilst thinking of the child's safety above all. It teaches new things and helps to practice one's knowledge of child psychology, development and ways of talking children according to needs and the goal of the conversation, which the specialists have acquired in training. The book does supports the knowledge acquired by specialists in training and motivates them to learn more in order to become better at guaranteeing the rights of children. The Ministry of Justice has prepared practical guidelines for parents and specialists working with children and childcare institutions. The crime prevention support of 2015 (50,000 euros), which is aimed at preventing the sexual abuse of children up to 10 years of age, was divided between two projects.

158. The Estonian Union for Child Welfare prepares an illustrated book about preventing sexual abuse for children and topical guidelines for parents in such a manner that they complement each other and form a comprehensive preventive material. The materials meant for children and parents will be printed and made accessible online, and an audio interface will be created for the book meant for children. All materials will be prepared in Estonian and Russian, incl. the audio interface. The overall goal of the project is to support the development of positive self-esteem in children aged 6 to 10 by giving them age appropriate information about the development of their bodies, setting limits and respecting them in order to prevent children from falling victim to sexual abuse. Other projects aimed at child protection are also ongoing.

159. *Vihjeliin* is a free web-based service provided by the Estonian Union for Child Welfare, which allows internet users to submit information about material with illegal content spread on the internet — sexual abuse of children, trafficking in children (trafficking in human beings). Information can be submitted anonymously without the submitter's personal data being identified or recorded. Combating sexual abuse of children requires different measures and close national and international cooperation. The Estonian Union for Child Welfare cooperates closely with other national organisations, incl. law enforcement authorities, internet service providers, various NGOs and international

INSAFE and INHOPE networks in preventing the spread of material that depicts the sexual abuse of children.

160. In certain cases, the age limit for sexual self-determination is 18 years in respect of crimes against sexual self-determination. The limit of 14 years therefore only applies to consensual relationships. Depending on the results of sociological studies, it is not impossible that the issue of changing the age limit will be discussed again.

School bullying

161. Activities, goals and principles specifically aimed at bullying have been consolidated into the "Education without bullying" concept of the Ministry of Education and Research, which was approved in 2017. For the first time, the concept presents a complete vision of programme-based prevention of bullying to make these activities accessible to nursery schools and schools. Bullying prevention programmes from nursery schools to upper secondary school and vocational schools are described in the concept. Nursery schools and schools can select the most suitable bullying prevention activities from the concept. The concept supports the achievement of the Estonian Lifelong Learning Strategy and the Strategy for the Prevention of Violence. Four times more resources than before have been planned for the implementation of the concept. A number of development trends have also been agreed, including: extending the anti-bullying activities from Estonian-language schools to non-Estonian schools, vocational educational institutions and parents; turning more attention to communication and conflict-solving skills in the formal and in-service training of teachers; developing a model for funding anti-bullying programmes; increasing capacity to intervene in cyber-bullying; and expanding the bullying-free education network.

162. The members lead intervention programmes such as KiVa (short for "No more bullying!"), plus a game of behavioural skills called VEPA and peace of mind exercises have been developed; the principles of value-based education have been emphasised; and students are being included in the achievement of a safer learning environment (the support-student movement TORE and Tolerant School).

163. A secure school environment has been a priority for state supervision for several years. Since 2016, the performance indicators of schools also include the satisfaction of students with the school and experience of bullying. Adding this performance indicator and collecting data makes it possible to observe the prevalence of bullying and its different forms, and to acknowledge this at the level of the state and schools. The role is primarily informational as well as observational — how the experience of bullying by students changes in time, i.e. creates the background with which the effect of intervention measures can be compared. This will also allow schools to compare their situation with that in the state and the region, which helps them better assess themselves. The reasons of bullying are not distinguished, as verification with content is not suitable for central data collection. However, it is important when support is provided on case-basis. Other institutions and organisations have also studied bullying, incl. the Police and Border Guard Board, operators of anti-bullying programmes, such as KiVa, the Estonian Union for Child Welfare and others.

Question No. 24: Removal of children from families

164. Until 1 January 2016, when the Child Protection Act entered into force, there was no legal regulation of the time during which a child in danger may be kept away from their family and who exactly is a child in danger. The act clearly states that a child in danger means a child who is in a situation that endangers his or her life or health and a child who endangers his or her life or health or that of the others through his or her behaviour. Thus, the circle of children deemed to be in danger has been reduced.

165. There was also no time specification between the separation of a child from his or her family and the making of a court order, which meant that a child could actually be separated from their family for months. This time was limited to 72 hours with the act. The court order for separating the child from his or her family must be obtained during this time or the child must be sent back to the family.

Right to citizenship and right to participate in political life and government, non-restrictions of the rights of minorities

Question No. 25: Voting right of prisoners

166. The Ministry of Justice has analysed the case law of the European Court of Human Rights regarding the voting rights of prisoners and started developing the principles required for the preparation of amending the election acts.

Question No. 26: Stateless people

167. The population of Estonia according to the Population Register as at 1 January 2017 was 1,352,291, including 1,139,400 Estonian citizens, 133,453 citizens of other countries (incl. 90,224 citizens of the Russian Federation, 7,832 citizens of Ukraine, 7,651 citizens of Finland, 4,233 citizens of Latvia) and 79,438 people of undetermined citizenship. According to the Police and Border Guard Board, 82,594 people of undetermined citizenship held a valid residence permit or right as at the same date.

168. As at 1 January 2017, 84.2% of Estonian residents were citizens of Estonia, 9.9% were citizens of another country and 5.9% were people of undetermined citizenship. The number of people of undetermined citizenship has decreased more than six times since 1992 (from 500,000 or 30% in 1992). The Government continues supporting the motivation of people of undetermined citizenship to become citizens of Estonia by carrying out individual outreach among them, offering them free Estonian language courses and improving the quality of the latter, and creating better opportunities for practising the language.

169. 160,679 people have acquired the citizenship of Estonia by way of naturalisation from 1992 to 2016. Estonia's accession to the European Union increased the number of people applying for Estonian citizenship. The number of applications decreased again from 2006–2008, when people of undetermined citizenship were granted the right to travel in the Schengen Area and Russian Federation without a visa (See table 3).

170. Amendments to the Citizenship Act were adopted in 2015 and most of them entered into force on 1 January 2016. As a result of them 0–14-year-old children of people of undetermined citizenship received Estonian citizenship by way of naturalisation as of 1 January 2016. As of 2016, 0–14-year-old children of parents of undetermined citizenship, who were born in Estonia or settled in Estonia immediately after birth, become citizens of Estonia by way of naturalisation as of the moment of birth.

171. According to the Citizenship Act, every person who is at least 15 years of age and does not have Estonian citizenship can apply for Estonian citizenship, if so desired. A person, who is between 15 and 18 years of age, has the opportunity to apply for Estonian citizenship.

172. As a result of the legal amendment, the Estonian citizenship of a minor can no longer be revoked. The people who acquire or receive Estonian citizenship as well as the citizenship of another country as a minor must renounce their Estonian citizenship or another country's citizenship within three years after turning 18. The language exam that must be passed in order to acquire citizenship was made easier for people aged 65 and over, who only have to pass an oral exam. The procedure was also made simpler.

173. The amendments to the Citizenship Act have reduced the number of people with undetermined citizenship. The number of minors who received Estonian citizenship in 2016 by the above-mentioned amendments to the Citizenship Act was:

- Minors born in Estonia before 1 January 2016, who were under 15 years old and with undetermined citizenship — 757;
- Minors who were granted Estonian citizenship by naturalisation as of the moment of their birth — 204.

174. According to the survey of the integration of Estonian society, 57% of people of undetermined citizenship would like to become Estonian citizens, 28% are satisfied with their current status and 7% want to become citizens of the Russian Federation. The same

survey indicates that the longer a person has been connected to Estonia, the more likely they are to be an Estonian citizen; 31% of the first generation of immigrants, 65% of the second generation and 81% of the third generation are Estonian citizens.

Question No. 27: Rights of ethnic minorities

Language skills and employment

175. In recommendation no 16 of the Committee, the State Party is asked to strengthen the methods of integrating the Russian-speaking ethnic minority in the labour market, including increase the volume of professional and language training. It is also necessary to implement measures to increase the trust of the Russian-speaking population in the State Party and its public agencies.

176. The goal set with the development plan "Integrating Estonia 2020" is to improve the knowledge and skills of working-age permanent residents whose native language is not Estonian, which are necessary for successful participation in the labour market. The other goals set by the plan are promotion of equal treatment on the labour market and raising the awareness of employers of the advantages of a multi-cultural working environment.

177. The "Welfare Development Plan 2016–2023" implemented by the Ministry of Social Affairs also aims to increase the employment of residents that speak other languages, reduce unemployment risks and improve labour market positions, particularly via the achievement of a good command of the Estonian language. The Unemployment Insurance Fund will continue providing labour market services that proceed from individual needs in order to bring people of other nationalities to the labour market and help them find work.

178. The Unemployment Insurance Fund provides 20 labour market services that are aimed at supporting people's entry to the labour market. The services are provided individually, irrespective of the client's language skills, by identifying the needs of each specific unemployed person and their prospects of entering the labour market. The clients who cannot find work because of their poor Estonian language skills are offered professional language training or vocational training with a language model by the Unemployment Insurance Fund.

179. The Unemployment Insurance Fund provides labour market services (e.g. training, work exercise, career counselling, job-seeking room, job club, psychological counselling, and individual employment) in Russian. If possible, practising communication in Estonian is included in these services. Counselling is also offered in Russian and English if necessary.

180. Since the mobility of unemployed people of other nationalities is often poor, the mobility support provided by the Unemployment Insurance Fund helps increase their employment capability. People who have been registered as unemployed for six consecutive months or longer and who find a job located more than 30 km from their homes (excl. the urban area of Tallinn) can apply for the support. Mobility support is paid if a person starts working on the basis of a contract entered into for an unspecified term or for at least six months and it is paid during the first four months of commencement of employment.

181. The rate of unemployment in Estonia has decreased from 16.7% in 2010 to 6.2% in 2015. The gap between the unemployment of Estonians and people with other native languages has also decreased significantly. However, the unemployment rate of Russians (8.5% in 2015) still exceeded the respective indicator of Estonians (5.4%). The unemployment rate of people of other ethnicities (excl. Russians) was similar to that of Estonians (5.6%). The unemployment rate of people with other native languages who have a good command of Estonian in 2015 was similar to that of Estonians at 5.3%. In terms of counties, unemployment was the highest in Ida-Viru County, which is predominantly populated by Russian-speaking people (25.6% in 2010 and 11% in 2015), and in Põlva County (15.3% and 10.6%, respectively). In order to alleviate regional unemployment in Ida-Viru County, the development plan prescribes giving preference to projects from regions where unemployment is higher.

182. A comparison of the different language communities reveals that Estonians and people with other native languages were equally represented in the three middle income quintiles from 2004 to 2014, but differences appear in the lowest and the highest income groups. 23% of Estonians and 13% of people with other native languages belonged to the highest group and 24% of people with other native languages and 18% of Estonians belonged to the lowest group in 2011.

183. According to the Estonian integration survey of 2015, the estimated ethnic discrimination of people of other nationalities at the workplace has decreased considerably: from 37% in 2008 to 12% in 2015.

184. In 2015, Statistics Estonia completed the database of integration indicators commissioned by the Ministry of Culture, which makes it possible to better assess the cohesion of the society and design the integration policy. The database is constantly developed further and updated with new data and additional options.

185. Official language requirements are only implemented in public interests to guarantee that public services and information were accessible in Estonian. The Government of the Republic Regulation "Estonian language proficiency and usage requirements of officials, workers and sole traders", established on the basis of the Language Act, was determined on the basis of the nature of the work and the language usage contexts of the job or position, the attestation requirements of the main groups of positions and the language proficiency requirements set out in processional standards, i.e. a lower language proficiency level (A2–B1) is required in simpler jobs with less demanding communication situations (e.g. guards and service staff). Higher language proficiency (B2–C1) is required in more demanding positions (physicians, teachers and state officials), but these positions usually also require better education, usually at the level of an academic degree. Estonian language proficiency forms an inseparable part of a professional qualification, and the higher the qualification required by a position, the higher the language proficiency level required in the position.

186. The surveys of the integration of Estonian society carried out after every three to four years indicate an improvement in the estimated Estonian language proficiency among the Russian-speaking population and an increase in the symbolic meaning of Estonian language skills, and Estonians have started to value Russian language skills more. According to the survey carried out in 2015, 37% people of other nationalities rated their Estonian language skills as active, 48% rated it as passive and 15% stated that they have no command of the Estonian language. In comparison with the level of 2011, Estonian language skills among people of other nationalities have increased on average, incl. the share of people with no command of the Estonian language has decreased and the share of people with active Estonian language skills has increased. The share of people who can read in Estonian is the biggest among people of other nationalities (58%), followed by people who can understand spoken Estonian (54%) and about half of them can communicate and write satisfactorily in Estonian. 26% of residents of other nationalities in Ida-Viru County know no Estonian at all and 19% have active language skills. The remaining people only have passive language skills. However, the share of people with no command of the Estonian language in Ida-Viru County has decreased considerably in comparison with 2011 (from 34% to 26%).

187. Estonian language skills also improve upon the change of migration generations of residents of other nationalities: 20% of first generation migrants say that they have an active command of Estonia, the same indicator in the second generation is 40% and in the third generation 60%.

188. The need for Estonian language skills is also rated at the level of attitudes: about 60% of residents of other nationalities as well as Estonians found that knowing Estonia is necessary in order to find a good job. However, about 40% of Estonians and people of other nationalities are of the opinion that a good specialist or a person with good connections can find a job even if they don't speak any Estonian. The share of people who think that it is possible to get a job without speaking Estonian has increased somewhat, but the share of people of other nationalities who consider Estonian language skills necessary in order to find a good job has decreased by more than 20%. This suggests that finding Estonian without good Estonian language skills has become easier in recent years.

189. Diverse and flexible language training opportunities have been offered to adults whose native language is not Estonian with the support of the European Social Fund in order to help the acquire Estonian on the level required for everyday and official communication. A labour exchange programme for officials with inadequate Estonian language skills from Ida-Viru County was implemented in cooperation with local governments. Educational programmes that display multiculturalism, youth cooperation projects and joint events have also been carried out. An adaptation programme for new immigrants, a system of support people and preparatory courses for Estonian language and citizenship exams were developed and will be implemented with the support of the European Programme for the Integration of third-country nationals. The development of adaptation programmes, incl. the development of a network of support people will take place from 2014 to 2020 with the support of the European Social Fund and the Asylum, Migration and Integration Fund.

190. Over 1,500 people attended free language courses with the scope of the Estonian Integration Programme 2008–2013 with the support of the Ministry of Culture and the European Fund for the Integration of third-country nationals. Estonian language training has been offered to 11,000 public sector employees (incl. teachers, police officers, medical professionals and librarians), students of institutions of vocational and higher education, and third sector employees with impaired vision and hearing via the Ministry of Education and Research and with the support of the European Social Fund's programmes "Development of Language Training 2007–2010" and "Development of Language Training 2010–2013".

191. 195 teachers working in Ida-Viru County completed a free Estonian language course at levels B2 and C1 in 2015, which was financed by the Ministry of Education and Research and coordinated by the Integration and Migration Foundation Our People (MISA). The Ministry of Justice pays monetary compensation to adult imprison people, who complete Estonian language courses with positive results, since 2007.

192. The people who are not Estonian citizens, but have successfully passed both exams: Estonian language proficiency exam (level B1, B2 or C1 and beginner's, intermediate or advanced level) and the exam of knowledge of the Constitution and Citizenship Act of the Republic of Estonia, can request on the basis of the Citizenship Act compensation for their language learning expenses at the rate established by the government (up to 384 euros per proficiency level). The people referred to the language exam by the Language Inspectorate can apply for compensation in the same amount. The people who cannot apply for compensation of expenses on the basis of the Citizenship Act or the Language Act, but have passed the Estonian language proficiency exam with positive results at the level of A2, B1, B2 and C1, can apply for compensation when receiving their proficiency certificates in the amount of up to 320 euros per proficiency level.

193. MISA has been offering free language courses to everyone at the levels of A2, B1 and B2 and n the volume of 120 academic contact lessons with the support of the European Social Fund since 2015. Approximately 6,000 people registered for these courses in 2015. 2,201 people registered for B2 courses, 1,909 wanted to participate in B1 courses and 1,851 people registered for A2 courses. 3,873 people who registered stated that they lived in Tallinn and the number of people from Ida-Viru County who wanted to learn Estonian was 1,665. All of the people who registered will be offered suitable free language courses at the location and time that suits them after their existing proficiency level has been tested.

194. The Ministry of Education and Research has created the online environment www.keeleklikk.ee, where people can acquire the A1 and A2 proficiency level under the instruction of an actual teacher. The option to acquire the B1 proficiency level in the same environment will soon be added as well.

195. 60 Estonian language and culture clubs were opened from 2016 to 2017 in Tallinn, Tartu, Sillamäe, Jõhvi, Kohtla-Järve (incl. Ahtme), Narva and Pärnu.

196. Surveys of the integration of Estonian society has revealed that although overall confidence in public institutions has increased and become more even in resident groups of different citizenships, the last survey in 2015 (similar to the previous ones of 2008 and 2011) indicated that the confidence of people of other nationalities in the state of Estonia

and its institutions is smaller than among Estonians. People of other nationalities only trust the church and local governments more than Estonians do, but Estonians have more trust in every other public institution. The difference in confidence in public institutions is the biggest in respect of the Defence Forces and the president. However, it is positive that the confidence of young people of other nationalities aged 15 to 24 in Estonian institutions of power — the president, the government and the Riigikogu — is higher than that of the older general and similar to the level of confidence of Estonians belonging to the same age group.

197. Generalising the responses given by the Russian-speaking residents of Estonia, it can be said that their state identity it primarily influenced by such demographic features as region, age and gender. The most problematic region is Ida-Viru County, which has the biggest share of people with a weak state identity (46%) and the smallest share of people with a strong state identity (3%). Women have integrated considerably better and the share of women in the group with a weak state identity is considerably smaller than the share of men, and vice versa in the group with a strong state identity. Russians aged over 60 stand out remarkably among age groups: in comparison with other age group, the share of people with a weak state identity is approximately two times smaller and the share of people with a strong state identity is approximately two times bigger.

198. The general goal of the development plan "Integrating Estonia 2020" is the creation of a socially cohesive Estonian society with communities that share democratic values and participate actively in social life. The sub-goals of the plan are to strengthen attitudes that support integration in society and the participation of poorly integrated permanent residents of foreign origin in society via the acquisition of Estonian citizenship and new social knowledge.

199. Media activities that promote social cohesion, openness and mutual understanding will be carried for the achievement of the goals of the development plan. Cooperation and inclusion projects will be implemented, NGOs will empowered in participation in decision-making processes at the local level and cooperation between local governments with large shares of Russian-speaking people and the third sector organisation operating in them will be promoted in order encourage active participation in society and the emergence of a shared state identity. The practical contacts between people with different cultural backgrounds and living in different regions and their inclusion in social life will increase as a result of this.

Question No. 28: Language requirements

Language inspectorate

200. On 1 January 2015, an amendment of the Penal Code and related acts entered into force decriminalising the number of cases where the Language Inspectorate needed to impose fines. Insufficient command of the state language is no longer an administrative offence. Language inspectors are obliged to provide adequate and realistic amounts of time in determining the level of state language needed in a certain occupation. No sentences have been issued in 2015. Thus, the supportive role of the Inspectorate has increased: since 1 July 2015, the Inspectorate has supervised the applications of private companies that want to provide language courses. The right to high quality language studies is thereby better guaranteed for employees.

201. Section 23 of the Language Act stipulates the requirements for proficiency in and use of Estonian language for employees of the public and private sectors alike. A Regulation of the Government of the Republic has been issued on the basis of section 23, subsection 4, which specifies the Estonian language proficiency requirements for employees of various sectors. Language proficiency requirements are established according to the nature of the job and the situation of language use at the workplace.

202. Section 2, subsection 2 of the Language Act sets a significant restriction on language requirements in the case of the business sector. The language use of legal entities in private law and private entrepreneurs is regulated if this is justified for the protection of the fundamental rights of people or in public interests. Public interests for the purposes of the language act are safety of the society, public order, public administration, education, health,

consumer protection and occupational safety. The requirement to the use and proficiency of the Estonian language must be justified and proportional to the desired goal, and may not distort the nature of the restricted rights.

203. Language proficiency requirements have been established for employees at the different levels of the language instruction framework document of the Council of Europe:

- A2: Employees whose communication situations with the public or clients are routine and not demanding (auxiliary staff members of agencies, guards, train drivers);
- B1: Employees who have contact with the public or clients (rescue workers, soldiers in active service, service and sales employees, carers, drivers of public transport vehicles);
- B2: Teachers, nurses, security guards who guarantee public order and employees of state and local government;
- C1: State officials, heads of government agencies and local government agencies, doctors, psychologists, pharmacists, teachers of the Estonian language, judges, prosecutors and police officers;
- C2: No positions where this level of proficiency is required are specified in the Language Act.

204. No Estonian language proficiency requirement has been established for members of the Riigikogu and local government councils. However, the requirement that parties and election coalitions must guarantee that political outdoor advertisements are in Estonian, was established in 2011. Translation into a foreign language may be added to an advertisement, but it may not be bigger than the Estonian text.

Russian language education

205. In formal education, Russian is the only minority language in which instruction is provided. However, if there are at least 10 representatives of a certain native language in the school or local municipality and they so wish, the local municipality is obliged to provide lessons of that language. In this regard, the state also finances Sunday schools. There are approximately 20 Sunday schools in Estonia where different languages and cultures are studied at weekends.

206. For all who successfully pass the A2, B1, B2 or C1-level Estonian language exam, the costs of the language studies are reimbursed. The state also enables language courses free of charge for employees in the public sector. E-learning options for levels up to A2 based on Russian or English are available free of charge. These options are currently being widened.